IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

Crl.Rev.Pet.No. 1143 of 2000()

CRA.193/1995 of III ADDL.SESSIONS COURT, ERNAKULAM
CC.163/1992 of JUDL.MAGISTRATE OF FIRST CLASS-I, ERNAKULAM

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REVN. PETITIONERS: ACCUSED NOS. 1- 3 & 5

1. **REGHU, S/O.KRISHNANKUTTY, HOUSE NO. 29, KISSAN COLONY, THAMMANAM DESOM, POONITHURA VILLAGE.**

2. **STEPHEN, S/O. MATHEW, HOUSE NO.166, KISSAN COLONY, DO. DO.**

3. **SUNIL , S/O. THANKAPPAN, HOUSE NO.22., KISSAN COLONY, .DO. DO.**

*4. **KOMALAM, W/O.THANKAPPAN, HOUSE NO.22, KISSAN COLONY, DO. DO. (NAME REPLACED)**

*** THE NAME AND ADDRESS 4TH PETITIONER IS REPLACED AS SHYJU, S/O. LANAN, HOUSE NO.1, KISSAN COLONY, THAMMANAM DESOM, POONITHURA VILLAGE, AS PER ORDER DT. 5.1.01 IN CRL.MP. 40/01.**

BY ADV. SRI.T.A.SHAJI
SMT.P.M.INDU

RESPONDENT: COMPLAINANT

STATE OF KERALA, (S.I. OF POLICE, ERNAKULAM TOWN NORTH POLICE STATION), REP.BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 08/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.RP. NO.1143/2000

ORDER ON CRL.MP. NO.6005/2000 IN CRL.RP. NO.1143/2000

DISMISSED

08.08.2007 **SD/- K.R.UDAYABHANU, JUDGE**

/TRUE COPY/

P.A. TO JUDGE

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K.R.UDAYABHANU, J

Crl.R.P.No.1143 of 2000

Dated this the 8th day of August, 2007

O R D E R

The revision petitioners are the accused Nos. 1 to 3 and 5 who stands convicted for the offences under Sections 323, 324, 326 read with Section 149 IPC and A1 sentenced to R.I. for two years for the offence under Section 326 IPC and A2 to undergo R.I. for six months for the offence under Section 323 IPC and A3 to undergo R.I. for one year for the offence under Sections 324 and 326 IPC and A5 to undergo R.I. for two months for the offence under Section 323 IPC. A11 to A14 were also convicted for the offence under Section 323 IPC and released under Section 3 of Probation of Offenders Act.

2. The prosecution case is that the accused formed themselves into an unlawful assembly armed with deadly weapons of iron bars and cycle chain, trespassed into the house of PW1 at 8.30 p.m. on 10.12.1991 and attacked the inmates of the house resulting in fracture to the the left leg of PW1 and right ulna of PW2 and injuries to PWs' 3 and 4 also.

3. The evidence adduced in the matter consisted of the testimony of PWs' 1 to 9, Exts. P1 to P11 and MOs' 1 to 3. The defence examined DWs' 1 to 3. The conviction and sentence was confirmed by the lower appellate court.

4. Counsel for the revision petitioners has only pleaded for leniency in the sentence imposed, considering the fact that the incident has taken place in the year 1991 and that so many years have elapsed since the commencement of the proceedings and so far the accused have been facing the ordeal of criminal proceedings. In the circumstances, I find that the sentence is liable to be modified. The sentence imposed on A1 for the offence under Sections 326 IPC is modified to imprisonment till the rising of the court and to pay a compensation of Rs.25,000/- to PW1 and in default, to undergo R.I. for six months. The sentence imposed on A2 for the offence under Section 323 is modified to imprisonment till the rising of the court and to pay a compensation of Rs.10,000/- to PW2 and in default, to undergo simple imprisonment for six months. The sentence imposed on A3 for the offences under Sections 324 and 326 IPC is modified to

imprisonment till the rising of the court and to pay a compensation of Rs.15,000/- to PW1 and in default, to undergo simple imprisonment for six months. The sentence imposed on A5 for the offence under Section 323 IPC is modified to imprisonment till the rising of the court and to pay a compensation of Rs.10,000/- to PW1 and in default, to undergo simple imprisonment for six months. No separate sentence is awarded for the rest of the offences. The revision petitioners/accused are granted four months' time remit the amount of compensation. The accused shall appear before the Judicial First Class Magistrate Court-I, Ernakulam on 5.12.2007 to receive the sentence.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl